

5. At all times herein mentioned, Defendant City of Chicago Police Officer Arshell Dennis, Star No. 17558, ("Dennis") was employed by the City of Chicago Police Department, and was acting under color of state law and as the employee, agent, or representative of the City of Chicago Police Department. This Defendant is being sued in his individual capacity.

6. At all times herein mentioned, Defendant City of Chicago Police Officer Joseph Mirus, Star No. 12043, ("Mirus") was employed by the City of Chicago Police Department, and was acting under color of state law and as the employee, agent, or representative of the City of Chicago Police Department. This Defendant is being sued in his individual capacity.

7. At all times herein mentioned, the City of Chicago was a political division of the State of Illinois, existing as such under the laws of the State of Illinois. At all relevant times, the City of Chicago maintained, managed, and/or operated the City of Chicago Police Department.

FACTUAL ALLEGATIONS

8. On or about August 17, 2012, Plaintiff was lawfully in a public place, in the City of Chicago, Cook County, State of Illinois.

9. On that day and place Defendants Odunsi, Dennis and Mirus were working in an undercover capacity conducting narcotics purchases in the area of 4300 South Michigan Avenue in Chicago, Illinois.

10. Plaintiff did not purchase any narcotics and was not involved in any narcotics related transactions on August 17, 2012.

11. On August 17, 2012, Defendant Mirus conducted a traffic stop of a vehicle Plaintiff was traveling in at 4318 South Michigan Avenue. Mirus prepared a contact card documenting his encounter with the Plaintiff on August 17, 2012, but did not arrest the Plaintiff on that date.

12. On or about August 17, 2012, Defendants caused false criminal charges to be brought against Plaintiff for delivery of a controlled substance.

13. On November 14, 2012, the Defendants participated in the process of obtaining a warrant for Plaintiff's arrest for delivery of a controlled substance.

14. In conjunction with obtaining the arrest warrant for the Plaintiff on November 14, 2012, the Defendants falsely created reports indicating that they had conducted an undercover narcotics purchase from Plaintiff on August 17, 2012. These reports were false. The Defendants never purchased narcotics from Plaintiff, and Plaintiff never sold narcotics to any person, on August 17, 2012.

15. On November 18, 2012, Plaintiff was seized based upon the arrest warrant issued for his arrest.

16. Plaintiff did not consent to being seized.

17. There was no legal cause to issue a warrant for Plaintiff on November 14, 2012 or seize Plaintiff on November 18, 2012 as Plaintiff did not commit any crime on August 17, 2012.

18. On or about October 3, 2013, the charges terminated in Plaintiff's favor.

19. By reason of the above-described acts and omissions of Defendants, Plaintiff sustained injuries, including but not limited to, humiliation and indignities, and suffered great mental and emotional pain and suffering all to his damage in an amount to be ascertained.

20. The aforementioned acts of defendants were willful, wanton, malicious, oppressive and done with reckless indifference to and/or callous disregard for Plaintiff's rights and justify the awarding of exemplary and punitive damages in an amount to be ascertained according to proof at the time of trial.

21. By reason of the above-described acts and omissions of Defendants, Plaintiff was required to retain an attorney to institute, prosecute and render legal assistance to him in the within action so that he might vindicate the loss and impairment of his rights. By reason thereof, Plaintiff requests payment by Defendants of a reasonable sum for attorney's fees pursuant to 42 U.S.C. Section 1988, the Equal Access to Justice Act or any other provision set by law.

COUNT I
Plaintiff Against Defendants Odunsi, Dennis, and Mirus for
UNREASONABLE SEIZURE

22. Plaintiff hereby incorporates and realleges paragraphs one (1) through twenty one (21) hereat as though fully set forth at this place.

23. By reason of the conduct by Odunsi, Dennis, and Mirus, Plaintiff was deprived of rights, privileges and immunities secured to him by the Fourth and/or Fourteenth Amendments to the Constitution of the United States and laws enacted thereunder.

24. The arbitrary intrusion by Defendant, into the security and privacy of Plaintiff's person was in violation of Plaintiff's Constitutional Rights and not authorized by law. The Defendant violated the Plaintiff's rights in the following manner: the seizure of Plaintiff was without any legal cause. The foregoing was unnecessary, unreasonable and excessive, and was therefore in violation of Plaintiff's rights. Therefore, the Defendant is liable to Plaintiff pursuant to 42 U.S.C. § 1983.

COUNT II
Plaintiff Against Defendants Odunsi, Dennis, and Mirus For
VIOLATION OF PLAINTIFF'S DUE PROCESS RIGHTS

25. Plaintiff incorporates and alleges paragraphs one (1) through twenty one (21) hereat as though fully set forth at this place.

26. Defendants, and each of them, individually and in conspiracy with one another deprived Plaintiff of a fair criminal trial by engaging in multiple acts which include, but are not limited to, submitting false charges as contained in the criminal complaints, submitting false police reports, and otherwise acting to deny Plaintiff a fair trial.

27. The acts described in the preceding paragraph were directed toward Plaintiff, were intentional and material, and therefore in violation of Plaintiff's due process rights. Therefore, the Individual Defendants are liable to Plaintiff pursuant to 42 U.S.C. § 1983.

28. Each of the individual defendants' conduct was in violation of the Fourth, Fifth, Sixth, and/or Fourteenth Amendments to the United States Constitution and laws enacted thereunder. As a result, these defendants are liable to Plaintiff under, but not limited to, 42 U.S.C. §1983.

COUNT III

Plaintiff Against Defendants Odunsi, Dennis, and Mirus, and the City of Chicago For The Supplemental Claim Of MALICIOUS PROSECUTION

29. Plaintiff incorporates and realleges paragraphs one (1) through twenty one (21) hereat as though fully set forth at this place.

30. Defendants Odunsi, Dennis, and Mirus caused a criminal prosecution to commence and continue against Plaintiff.

31. Defendants Odunsi, Dennis, and Mirus, police officers employed by the City of Chicago, maliciously commenced and caused to be continued a criminal action against Plaintiff without probable cause for the institution of these proceedings. As a result, Plaintiff was injured emotionally, financially, and otherwise from the loss of certain constitutionally protected liberty and related rights.

32. Defendants Odunsi, Dennis, and Mirus initiated, facilitated, and/or continued this malicious prosecution by the creation of false evidence, by giving false police reports, preparing and signing false criminal complaints, and/or by preparing false witness statements.

33. The criminal proceedings were terminated in the Plaintiff's favor at the conclusion of trial on or about October 3, 2013.

34. The City of Chicago is liable to Plaintiff for the acts of Defendants Odunsi, Dennis, and Mirus pursuant to the doctrine of *respondeat superior*.

35. Therefore, Defendants Odunsi, Dennis, and Mirus and the City of Chicago are liable under the supplemental state law claim of Malicious Prosecution.

WHEREFORE, the Plaintiff, by and through his attorneys, ED FOX & ASSOCIATES, requests judgment as follows against the Defendants, and each of them:

1. That the Defendants be required to pay Plaintiff's general damages, including emotional distress, in a sum to be ascertained;
2. That the Defendants be required to pay Plaintiff's special damages;
3. That the Defendants other than the City of Chicago be required to pay Plaintiff's attorneys fees pursuant to Section 1988 of Title 42 of the United States Code, the Equal Access to Justice Act or any other applicable provision;
4. That the Defendants other than the City of Chicago be required to pay punitive and exemplary damages in a sum to be ascertained;
5. That the Defendants be required to pay Plaintiff's costs of the suit herein incurred; and
6. That Plaintiff have such other and further relief as this Court may deem just and proper.

BY: s/ Jonathan R. Ksiazek
Jonathan R. Ksiazek
Edward M. Fox
ED FOX & ASSOCIATES
Attorneys for Plaintiff
300 West Adams
Suite 330
Chicago, Illinois 60606
(312) 345-8877
jksiazek@efox-law.com

PLAINTIFF HEREBY REQUESTS A TRIAL BY JURY

BY: s/ Jonathan R. Ksiazek
Jonathan R. Ksiazek
ED FOX & ASSOCIATES
Attorneys for Plaintiff
300 West Adams
Suite 330
Chicago, Illinois 60606
(312) 345-8877
jksiazek@efox-law.com